



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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INTERNATIONAL CHEMICAL WORKERS	:	
UNION COUNCIL, UFCW	:	
	:	
Petitioner	:	
	:	CASE NO. M-0738
v.	:	
	:	DECISION NO. 97-039
MERRIMACK COUNTY NURSING HOME	:	
	:	
Respondent	:	

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APPEARANCES

Representing International Chemical Works Union:

Frank Cyphers, International Representative

Representing Merrimack County Nursing Home:

Andrea K. Johnstone, Esq.

Also appearing:

Lola B. Jones, Merrimack County Nursing Home  
Sally Gale, ICWU/UFCW  
Heidi Silver, Merrimack County Nursing Home  
Thomas Matzke, Merrimack County Nursing Home  
Barry Cox, Merrimack County Nursing Home

BACKGROUND

On January 31, 1997, the International Chemical Workers Union, UFCW (Union) filed a petition for certification of a bargaining unit of two hundred and thirty (230) members for the positions described in PELRB Decision 95-80 issued on September 7, 1995. On February 14, 1997, Merrimack County (County) filed exceptions to the petition for certification. Also, on February

14, 1997, the State Employees Association of New Hampshire, (SEA), S.E.I.U., Local 1984, filed a petition to intervene which was followed by the County's objection filed on February 21, 1997. SEA's petition to intervene was withdrawn on February 19, 1997, (Decision No. 97-037) and a hearing held before the Board on the original petition on March 10, 1997.

#### FINDINGS OF FACT

1. Findings of Fact enumerated in PELRB Decisions No. 93-168 (January 17, 1994) and 95-80 (September 7, 1995) are here incorporated by reference.
2. At the hearing of March 20, 1997, the parties agreed to a bargaining unit to consist of the positions determined to be appropriate in PELRB Decision No. 95-80 plus three additional positions, as noted below. The uncontested bargaining unit positions are: registered nurse, licensed practical nurse, certified nursing assistant, social worker, certified occupational therapy assistant, occupational therapy aide, beautician, barber, activities aide I and II, admissions secretary, transportation assistant/courier, unit clerk, unit aide, sterilization technician (See Decision No. 95-80, p.5) plus three positions which the parties agreed to add to the unit, namely, resident assistant, pharmacy assistant and pharmacy technician. The parties also stipulated that the psychiatric social worker is to be excluded.
3. The following positions were contested between the parties: housekeeping aide, laundry aide I and II, dietary secretary, dietary aide I and II, tray line supervisor, and maintenance worker I, II and III.
4. Job descriptions for the various positions were taken into evidence. (County Nos. 1, 3, 4, 6 and 7). Some of these (County Exhibit No. 3 and part of County Exhibit No. 6) were generated or revised after the date of the last hearing, July 20, 1995. The PELRB heard testimony regarding the duties of the contested positions.

#### DECISION AND ORDER

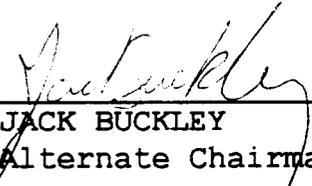
The County advocates adding several positions to the proposed bargaining unit but the evidence presented at the recent

hearing does not warrant such changes in the composition of the bargaining unit previously determined to be appropriate for the Merrimack County Nursing Home in Decision No. 95-80. There were no additional caregiving positions identified among the contested positions. The only amendments to be made to the proposed bargaining unit are those agreed to by the parties at the recent hearing. (See Finding No. 2.)

The modified bargaining unit appropriate for the Merrimack County Nursing Home shall include the following positions: registered nurse, licensed practical nurse, certified nursing assistant, social worker, certified occupational therapy assistant, occupational therapy aide, beautician, barber, activities aide I and II, admissions secretary, transportation assistant/courier, unit clerk, unit aide, sterilization technician, resident assistant, pharmacy assistant and pharmacy technician.

So ordered.

Signed this 4th day of APRIL, 1997.

  
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JACK BUCKLEY  
Alternate Chairman

By unanimous decision. Alternate Chairman Jack Buckley presiding. Members E. Vincent Hall and William Kidder present and voting.